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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,400	08/12/2002	Kunio Kawaguchi	450101-03365	4955
20/999 7590 04/23/2010 FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151				
EXAMINER				
HAMZA, FARUK				
ART UNIT		PAPER NUMBER		
2455				
MAIL DATE		DELIVERY MODE		
04/23/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/089,400

Applicant(s)

KAWAGUCHI ET AL.

Examiner

FARUK HAMZA

Art Unit

2455

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-22 is/are pending in the application.
- 4a) Of the above claim(s) 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/22)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Amendment

1. Applicant's election without traverse of claims 21 and 22 are in the reply filed on February 03, 2010 is acknowledged. Claim 20 is withdrawn. The applicant is respectfully requested to cancel the withdrawn claim.
2. The applicant should always use the period for response to thoroughly and very closely proof read and review the whole of the application for correct correlation between reference numerals in the textual portion of the Specification and Drawings along with any minor spelling errors, general typographical errors, accuracy, assurance of proper use for Trademarks TM, and other legal symbols ®, where required, and clarity of meaning in the Specification, Drawings, and specifically the claims (i.e., provide proper antecedent basis for "the" and "said" within each claim). Minor typographical errors could render a Patent unenforceable and so the applicant is strongly encouraged to aid in this endeavor.

Claim Objections

3. Claims 21 and 22 are objected to because of the following informalities: Claim 21 recites "single handling unit a second memory" in line 12. Claim 22 recites "single handling unit a second memory" in line 14. Appropriate correction is required.

Specification

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP

§ 608.01(o). Correction of the following is required: The instant specification failed to provide proper antecedent basis.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. As to claim 22, it is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim is directed to a computer-readable medium. However, the computer-readable medium may take the form of communicate media such as signal. This is form of energy; therefore the claim is directed to non-statutory subject matter. It may recite “non-transitory computer-readable medium” to overcome 101 rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 21-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 21 recites the limitation “the predetermined operation” in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 21 recites the limitation “the user” in line 11. There is insufficient antecedent basis for this limitation in the claim.

Claim 21 recites the limitation "the client" in line 13. There is insufficient antecedent basis for this limitation in the claim.

Claim 21 recites the limitation "the updating condition information" in line 19. There is insufficient antecedent basis for this limitation in the claim.

Claim 22 recites the limitation "the predetermined operation" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 22 recites the limitation "the user" in line 13. There is insufficient antecedent basis for this limitation in the claim.

Claim 22 recites the limitation "the client" in line 16. There is insufficient antecedent basis for this limitation in the claim.

Claim 22 recites the limitation "the updating condition information" in line 20. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 21-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Merriman et al. (U.S. Patent Number 7,039,599) hereinafter referred as Merriman.

As the examiner best understands claim 21, Merriman teaches a client apparatus comprising:

an acquisition unit to receive picture information and related information as a single handling unit, wherein the predetermined operation is processed as a single unit in response to a related operation command, wherein the predetermined operation is one or more instructions, and wherein each of the one or more instructions is processed as a function of the related information, and wherein each of a plurality of operations comprise a specific predetermined operation and instructions (Column 4, lines 66-Column 5, lines 6, lines 51-59);

a recording unit to store the single handling unit in a first memory;
a user interface for displaying the picture information and allowing the user to select the picture information which stores the single handling unit a second memory (Column 4, lines 66-Column 5, lines 6, lines 51-59);

a notifying unit for notifying a server that the client received and stored the single handling unit of picture information and related information (Column 4, lines 14-30);

an operation determining unit for executing an operation as a function of the related information in accordance with the time limit information in response

to a specific operation command (Column 3, lines 13-36, Column 4, lines 45-49);
and

an updating permission/negation unit for determining permission/negation
of updating of the related information in accordance with the updating condition
information (Column 5, lines 1427).

Claim 22 does not teach or define any new limitation other than above
claim 1. Therefore, claim 22 is rejected for similar reason.

Examiner's Note: Examiner has cited particular columns and line
numbers in the references as applied to the claims above for the convenience of
the applicant. Although the specified citations are representative of the teachings
of the art and are applied to the specific limitations within the individual claim,
other passages and figures may apply as well. It is respectfully requested from
the applicant in preparing responses, to fully consider the references in its
entirety as potentially teaching of all or part of the claimed invention, as well as
the context.

Response to Arguments

8. Applicant's arguments filed September 01, 2009 have been fully
considered but they are not persuasive.

In the remarks the applicant argues in substance that; A) Merriman does
not teach features of claims 21-22.

In response to A) Applicant's arguments fail to comply with 37
CFR 1.111(b) because they amount to a general allegation that the claims define

a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Applicant's arguments also do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faruk Hamza whose telephone number is

571-272-7969. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll –free).

Faruk Hamza

Patent Examiner

Group Art Unite 2455

/Faruk Hamza/
Primary Examiner, Art Unit 2455

